

EXHIBIT 1



Entered on Docket
June 11, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE I-40
GATEWAY WEST LOAN**

Hearing Date: June 9, 2008
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Second Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the I-40 Gateway West Loan (the "Objection") [DE 6258]. Adequate notice
4 of the Objection was given. The Court heard the Objection on June 9, 2008. No responses
5 were filed to the Objection and no opposition was raised at the hearing. Good cause
6 appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
10 are based upon an investment in the I-40 Gateway West Loan. The Proofs of
11 Claim listed in Exhibit A are not affected by this order to the extent they are
12 based upon an investment in a loan(s) other than the I-40 Gateway West Loan;
13 and
- 14 • Reserving the right of any party in interest, including the USACM Trust, to
15 further object to the Proofs of Claim listed on Exhibit A attached.

16 ###

17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ RC (#0006593)

20 Susan M. Freeman

21 Rob Charles

22 John Hinderaker

23 *Attorneys for USACM Liquidating Trust*

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**I-40 GATEWAY WEST LOAN
SECOND OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

| Claim | Name | Address | Total Claim Amount | Approximate Amount Subject to Objection Because it Relates to an Investment In the I-40 Gateway West Loan |
|--------------------|-------------------------------------|---|---------------------------|--|
| 10725-00153 | APG Trust Dated 7/5/00 | c/o Alex G. Gassiot Trustee 3710 Clover Way Reno, NV 89509 | \$250,260.00 | \$25,000.00 |
| 10725-01396 | Cardwell Family Trust | c/o Michael J. Dawson, Esq. 515 South Third Street Las Vegas, NV 89101 | \$3,229,496.02 | \$325,000.00 |
| 10725-01397 | Cardwell Family Trust | c/o Michael J. Dawson, Esq. 515 South Third Street Las Vegas, NV 89101 | \$3,331,718.07 | \$325,000.00 |
| 10725-01401 | Cardwell Family Trust | c/o Michael J. Dawson, Esq. 515 South Third Street Las Vegas, NV 89101 | \$3,226,795.82 | \$325,000.00 |
| 10725-01407 | Cardwell Charitable Trust | c/o Michael J. Dawson, Esq. 515 South Third Street Las Vegas, NV 89101 | \$1,549,493.61 | \$250,000.00 |
| 10725-00523 | Dionisio A. and Fiola Fernandes | 4001 Oak Manor Court Hayward, CA 94542-1445 | \$244,646.92 | \$58,071.84 |
| 10725-00796 | KPT Irrevocable Trust Dated 7/16/99 | c/o Karen Petersen Tyndall Trustee 1012 Greystoke Acres Street Las Vegas, NV 89145-8659 | \$202,866.38 | \$101,433.19 |
| 10725-01194 | KPT Irrevocable Trust Dated 7/16/99 | c/o Karen Petersen Tyndall Trustee 1012 Greystoke Acres Street Las Vegas, NV 89145-8659 | \$202,866.38 | \$101,433.19 |
| 10725-01657 | Kevin Kehl | Janet L. Chubb, Esq. Jones Vargas P.O. Box 281 Reno, NV 89504-0281 | \$961,017.34 | \$150,000.00 |
| 10725-01661 | Christina M. Kehl | Janet L. Chubb, Esq. P.O. Box 281 Jones Vargas Reno, NV 89504-0281 | \$1,023,023.12 | \$100,000.00 |